IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 1032 of 1995

Between:

K.Appalaraju, S/o.Simhachalam,
being Minor Rep.by its Father and natural guardian,
K.Simhacalam,S/o.Apparao,aged-39 years, Occ:Self Employee,
Fabrication works, Sowdara Road, Visakhapatnam.

..... PETITIONER

AND

1 Principal/Assistant Admission Officer,
Andhra Polytechnique, Kakinada.
2 Regional Joint Director of Technical Education and

Admission Officer, Andhra Area, Government

of Andhra Polytechnique, Kakinada.
3 Commissioner of Tribal Welfare, Telugu Samkshema Bhavan,
Masab Tank, Hyderabad.
4 Mandal Revenue Officer,
Santha Bommali Mandal, Srikakulam District.
5 Collector, Srikakulam District,
Srikakulam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that

in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any writ, order or direction more particularly one in the nature of Writ of 'MANDAMUS' call for the file under Proceedings No.1539/94-C, dated 6-12-1994 from the Fourth Respondent and by declaring the said proceedings as illegal and arbitrary, order the Respondent No.4 to issue Certificate as "Bentho Oriya" and other respondents to treat him as such for all purposes and to pass such other relief or reliefs as this Hon'ble Court may deem fit just and necessary in the circumstances of the case.

Counsel for the Petitioner: DR.P.B.VIJAY KUMAR

Counsel for the Respondent Nos.1 & 2: GOVERNMENT PLEADER FOR EDUCATION

Counsel for the Respondent No.3: GOVERNMENT PLEADER FOR SOCIAL WELFARE

Counsel for the Respondent NoS.4 & 5: GOVERNMENT PLEADER FOR REVENUE

The Court made the following:

THE HONOURABLE SRI JUSTICE

R. SUBHASH REDDY

WRIT PETITION NO.1032 Of 1995

ORDER:

This Writ Petition is filed, questioning the proceedings dated 05-12-1994 issued by the Mandal Revenue Officer, Santha Bommali Mandal, Srikakulam District..

In the impugned proceedings, a finding is recorded that the petitioner belongs to 'Vadde' Caste (BC), and rejected the claim of the petitioner for issuance of caste certificate that he belongs to 'Bentho Oriya' caste. During the pendency of the proceedings, the A.P. (SC,ST & BCs) Regulation of Issue of Community Certificates Act, 1993 came into force, which provides remedy of appeal to the District Collector against the orders of the Mandal Revenue Officer. In view of the said provision and having regard to the factual dispute, the learned Counsel for the petitioner seeks permission to avail the remedy of appeal as provided under the Statute.

Inasmuch as the A.P. (SC,ST & BCs) Regulation of Issue of Community Certificates Act, 1993 came into force during the pendency of the Writ Petition and as it provides remedy of appeal to the District Collector, I dispose of the Writ Petition permitting the petitioner to question the orders of the Mandal Revenue Officer by filing statutory appeal before the District Collector, within a period of six weeks from the date of receipt of this order. If such an appeal is filed, within the period as indicated above, the appellate authority shall entertain and dispose of the same in accordance with law.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATED: 8-12-2004

DR/Msnr.

To

1 Principal/Assistant Admission Officer,
Andhra Polytechnique, Kakinada.
2 Regional Joint Director of Technical Education and

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of Andhra Polytechnique, Kakinada.
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5 Collector, Srikakulam District,
Srikakulam.

6 Two CCs to Government Pleader for Social Welfare, High

Court Buildings, Hyderabad. (OUT)

7 Two CCs to Government Pleader for Education, High

Court Buildings, Hyderabad. (OUT)

8 Two CCs to Government Pleader for Revenue, High

Court Buildings, Hyderabad. (OUT)

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